UNITED STATES PATENT AND TRADEMARK OFFICE

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EXAMINER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>01 May 2009</u>.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-36</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-36</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

        1. ☐ Certified copies of the priority documents have been received.

        2. ☐ Certified copies of the priority documents have been received in Application No. _____.

        3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed
> in the United States before the invention by the applicant for patent or (2) a patent granted on an application for
> patent by another filed in the United States before the invention by the applicant for patent, except that an
> international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this
> subsection of an application filed in the United States only if the international application designated the United
> States and was published under Article 21(2) of such treaty in the English language.

2.   Claims 1-14 and 16-36 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S.

PGPUB 2002/0095454 to Reed.

As concerns claim 1, a communication system comprising: a database (0090-database 11;

32) configured to store communication tag information of a task tag; and a database agent

(0031-0035;0090-0094) configured to determine if a communication has the task tag, wherein

the database agent is configured to transfer predetermined communication tag information of

the task tag of the communication to the database, and wherein the database agent is configured

to automatically send a communication based upon information stored in the predetermined

communication tag information (abstract;0090-0094).

As concerns claim 2, a communication system as in claim 1 wherein the communication

comprises an email (0090) and the database agent configured to determine if the email has a

task tag.

As concerns claim 3, communication system as in claim 1 wherein the task tag comprises

a task topic and a task reminder (0180), and wherein the database agent is configured to transfer

the task reminder to the database.

As concerns claim 4, a communication system as in claim 3 wherein the database agent (0031-0035; 0090-0094) is configured to transfer the task topic to the database with the task reminder.

As concerns claim 5, a communication system as in claim 3 wherein the database agent (0031-0035; 0090-0094) is configured to store the task reminder in the database corresponding to a task topic already stored in the database.

As concerns claim 6, a communication system as in claim 1 wherein the database agent (0031-0035; 0090-0094) is configured to generate a report based upon communication tag information stored in the database.

As concerns claim 7, a communication system as in claim 6 wherein the database agent (0031-0035; 0090-0094) is configured to automatically generate the report based upon a predetermined event.

As concerns claim 8, a communication system as in claim 6 wherein the database agent (0031-0035; 0090-0094) is adapted to generate the report based upon a request submitted by a user.

As concerns claim 9, a communication system as in claim 1 wherein the communication tag information comprises an importance factor (0294,0318-preference,0322), and wherein the database agent is configured to prioritize at least a portion of the communication tag information based upon the importance of factors of the communication tag information stored in the database.

As concerns claim 10, a communication system as in claim 1 wherein the database agent (0031-0035; 0090-0094) is configured to automatically obtain information relating to the communication tag information from a remote computer.

As concerns claim 11, a communication system as in claim 1 wherein the database agent (0031-0035; 0090-0094) is configured to collate at least a portion of the communication tag information stored in the database.

As concerns claim 12, a communication system as in claim 1 wherein the communication tag information comprises a deliverable/project tag information (0439), and wherein the database agent is configured to transfer deliverable/project tag information of the task tag of the communication to the database.

As concerns claim 13, a method for automatically tracking progress of a task on a computer network consisting of one or more users on a plurality of computer systems, the method comprising step of: tagging a communication to be delivered between the computer systems over the network to form a tagged communication (0090-email; 0031-0035; 0090-0094-communications include information such as metadata tagging communication for information concerning updated information); and acting on the tagged communication automatically by a database agent (0031-0035; 0090-0094).

As concerns claim 14, a method as in claim 13 where the tagged communication includes an electronic mail communication (email) (0090).

As concerns claim 16, a method as in claim 13 where the tagged communication includes a telephone message converted to electronic communication with the use of voice-recognition software (0536).

As concerns claim 17, a method as in claim 13 wherein the step of acting involves storing

the task in the database (0090).

As concerns claim 18, a method as in claim 13 where the step of acting involves updating

information about the task in the database (0090).

As concerns claim 19, a method as in claim 13 where the step of acting involves

generating a report (0408,0409).

As concerns claims 20 and 22, a method as in claim 13 where the users are selected from

a group consisting of individuals (users are inherently individuals), collaborators, team leaders

and managers.

As concerns claim 21, a method as in claim 13 wherein the users include other computer

programs, and wherein the other computer programs produce data including computer usage at

a present or remote site (inherent for computer programs to produce data in view of computer

usage), manufacturing yield, or customer purchasing patterns.

As concerns claim 23, a method as in claim 13 wherein an importance of the task on the

tag is set and negotiated by the users (0294, 0318, 0322).

As concerns claim 24, a method as in claim 13 wherein a time duration (0398-time

intervals) of the task on the tag is set and negotiated by the users.

As concerns claim 25, a method as in claim 13 wherein the step of acting involves

merging communications from various tasks into one communication for a single task (0520).

As concerns claim 26, a method as in claim 13 wherein the step of acting involves

separating communications from one task into several communications for separate tasks (0519-

multiuser database).

As concerns claim 27, a method as in claim 13 wherein the step of acting involves monitoring a task deadline (0398) and being proactive in sending communication to humans and computers participating in the task (0318).

As concerns claim 28, a method as in claim 13 wherein tag properties on the communication include time to task completion, task progress, task topic, reminder interval, and collaborator type (0398).

As concerns claim 29, a method as in claim 13 wherein choices for tagging the communication include a tag property of a task progress which selected from a group consisting of previous, new, in-progress, complete, other (0090-other which can be anything).

As concerns claim 30, a method as in claim 13 wherein choices for tagging the communication include a tag property of a collaborator type which can be selected from a group consisting of individual (users tagged), collaborator, team leader, manager, senior manager, vice-president, CEO, CIO, contractor.

As concerns claim 31, a method as in claim 13 wherein permissions may be associated with the task restricting viewing of the task only to users with appropriate access credentials (0357-ID).

As concerns claim 32, a method as in claim 13 wherein the step of tagging a communication comprises adding deliverable/project information and task information to the communication (0090-0093).

As concerns claim 33, a system for tracking tasks comprising: a communication system (network) configured to attach a task tag to a communication; and a tracking system (0090) separate from a communication sending computer and a communication receiving computer (fig.

1) which is configured to automatically enter predetermined information of the task tag of the communication into a database (0090).

As concerns claim 34, a method of tracking tasks comprising: sending a communication (0031-0035;0090-0094); attaching a task tag (0090; 0180; 0093) to the communication; recording, by an automatic database agent (0031,0090-program), at least a portion of data in the task tag into a database (0090); and automatically sending a communication by the automatic database agent based, at least partially, on the data in the task tag.

As concerns claim 35, a program storage device readable by a machine, tangibly embodied in a program of instructions executable by the machine to perform method steps for tracking tasks, the method comprising steps of: searching a first communication to determine if the first communication has a task tag (0090;0177-0183;0093), the task tag comprising a task topic and a task progress; and automatically sending a second communication by an automated database agent (0031,0090-program) based upon data in the task tag.

As concerns claim 36, a program storage device readable by a machine, tangibly embodied in a program of instructions executable by the machine to perform method steps for tracking tasks, the method comprising steps of: creating a communication (0090-email); and attaching a task tag (0090;0177-0183;0093) to the communication comprising a task topic and a task progress.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4.   Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. PGPUB 2002/0095454 to Reed in view of U.S. Patent No. 2004/0030741 to Wolton et al.

Reed et al. '454 do not explicitly disclose an instant electronic message (IM).

Wolton et al. teach instant messaging (abstract-last 4 lines).

It would have been obvious to one having ordinary skill in the art at the time of the invention to provide instant messaging, as taught by Wolton et al., in order to provide a means of communicating quicker. Such a modification is merely a combination of known elements providing expected results.

Response to Arguments

5.   Applicant's arguments filed May 1, 2009 have been fully considered but they are not persuasive.

As concerns claim 1, the applicant argues Reed et al. do not disclose at paragraphs 0031 and 0090: a database agent:

configured to determine if a communication has a task tag;

configured to transfer predetermined communication tag information of the task tag of the communication to the database;

and configured to automatically send a communication based upon information stored in the predetermined communication tag information.

The Examiner disagrees since Reed et al. disclose a database agent at least at paragraph 0031- a provider program and 0032-a consumer program. A computer program anticipates the claimed "agent" since an agent by definition is a computer program. The applicant has not defined any special definition for this term, thus one of ordinary skill in the art would recognize a computer program anticipates an agent.

The database agent of Reed et al. is configured to "determine if a communication has a task tag." Reed et al., at least at paragraph 0032, disclose wherein program/agent receives and processes transferred information and receives information to determine when information has been updated. Paragraph 0033 discloses when certain types of messages or objects are received by the program they can operate automatically to act accordingly. Therefore a determination is made for communications and action is done in accordance with the information of the communication.

The database agent of Reed et al. is configured to "transfer predetermined communication tag information of the task tag of the communication to the database." Reed et al., at least at paragraph 0032, disclose the program will stored updated information in the database when received. Paragraph 0090 disclose the consumer program storing the updated information in the database and the information also controls communications.

The database agent of Reed et al. is configured to "automatically send a communication based upon information stored in the predetermined communication tag information." Reed et al., at least at paragraph 0032, disclose notify a user of updated information and generate responses. Paragraph 0090 disclose the consumer program storing the updated information in the database and the information also controls communications.

As concerns claim 13, the applicant argues Reed et al. does not disclose:

tagging a communication to be delivered between the computer systems over the network

to form a tagged communication;

and acting on the tagged communication automatically by a database agent.

The Examiner disagrees since Reed et al., at least at paragraphs 0031-0035 and 0090-

0094, disclose communications include information such as metadata, data or instructions which

is tagging a communication, wherein this communication is delivered over the network. The

communication is tagged to include information concerning updated information.

Reed et al, at least at paragraphs 0031-0035 and 0090-0094, also disclose acting on the

tagged communication automatically by a database agent, since a program/agent will act on

certain messages received automatically (paragraph 0033).

As concerns claim 33, the applicant argues Reed et al. do not disclose a communication

system configured to attach a task tag to a communication;

and a tracking system separate from a communication sending computer and a

communication receiving computer which is configured to automatically enter predetermined

information of the task tag of the communication into a database.

The Examiner disagrees since Reed et al., at least at paragraphs 0031-0035 and 0090-

0094, creating communications that include metadata, data, objects or instructions that "tag" the

communication with updated information.

Reed et al., at least at paragraph 0032, disclose the program will store updated

information in the database when received. Paragraph 0090 disclose the consumer program

storing the updated information in the database and the information also controls

communications.

As concerns claim 34, the applicant argues Reed et al. does not disclose:

attaching a task tag to the communication;

recording, by an automatic database agent, at least a portion of data in the task tag

into a database;

and automatically sending a communication by the automatic database agent

based, at least partially, on the data in the task tag.

The Examiner disagrees since Reed et al. disclose, at least at paragraphs 0031-0035 and

0090-0094, creating communications that include metadata, data, objects or instructions that

"tag" the communication with updated information.

Reed et al., at least at paragraph 0031-0035 and 0090-0094, disclose the program will

store updated information in the database when received. This updated information is received in

a communication that is "tagged" with the updated information as data, metadata, object, or

instructions. Paragraph 0090 disclose the consumer program storing the updated information in

the database and the information also controls communications.

Reed et al., at least at paragraph 0032, disclose notify a user of updated information and

generate responses. Paragraph 0090 disclose the consumer program storing the updated

information in the database and the information also controls communications.

As concerns claims 35 and 36, the applicant argues Reed et al. do not disclose a task tag, or a task tag comprising a task topic and task progress.

The Examiner disagrees since Reed et al., at least at paragraph 0181, disclose the communication includes objects having methods and rules that are associated with a page, element or type definition. This information is transmitted in the communication and related to a "topic" such as updating. Furthermore, paragraph 0182 discloses flag attributes with the communication that are related to the "progress" of the update.

Conclusion

6.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to John B. Walsh whose telephone number is 571-272-7063. The examiner can normally be reached on Monday-Thursday from 8:00-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on 571-272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John B. Walsh/
Primary Examiner, Art Unit 2451